



INSTITUTION USE ONLY

☐ EMERGENCY COMPLAINT

OFFENDER NAME

Branden Malloy

DOC NUMBER

1243450

DATE STAFF MEMBER RECEIVED IRR

10/19/20

COMPLAINT NUMBER

20-2474

CATEGORY

8B

HOUSING UNIT

10

STATE YOUR COMPLAINT/PROBLEM BRIEFLY - ONE ISSUE - BE SPECIFIC

Maltreatment by staff and medical personell while in Covid-19 Isolation Unit 7-house C-wing. I was denied medical attention for 35 days, and I'm still having after effects from Covid, Chest pains and hardness of breathing. I was refused all rights that I'm entitled to; access to grievance system, legal library, cleaning/sanitizing, laundry, etc. (I asked for an IRR everyday the whole time I was there, and was denied the right to redress the issues pertaining to the Covid procedure and it's affects on me).

ACTION REQUESTED: STATE REMEDIES YOU ARE SEEKING

That ERDCC desist and cease 7C Isolation unit practice and conduct. Monetary compensation for ERDCC Covid-19 willful misconduct and practice. That ERDCC stop placing negative, and inconclusive offenders with positive Covid-19 offenders.

OFFENDER SIGNATURE

B. Malloy

DATE

10/19/2020

STAFF USE ONLY

DISCUSSION OF COMPLAINT (SUMMARIZE RESULTS OF MEETING)

Explained viral containment plan to offender, wished to proceed to IRR phase.

☐ IRR RESOLVED BY DISCUSSION/WITHDRAWN☒ IRR NOT RESOLVED BY DISCUSSION

OFFENDER SIGNATURE

B. Malloy

DATE

10/19/2020

STAFF SIGNATURE

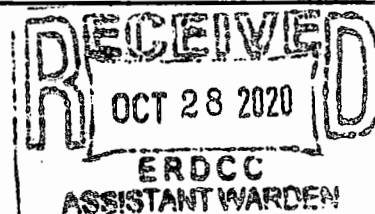
Jon Keen 57934

DATE

10/19/2020

STAFF FINDINGS/RESPONSE

See attached



INVESTIGATING STAFF SIGNATURE

Jon Keen

DATE

10/20/20

RESPONDENT SIGNATURE

B. Malloy

DATE

10/21/2020

REVIEWER SIGNATURE

Jon Keen

DATE

10-29-2020

RESULTS

☐ SATISFACTORY☒ UNSATISFACTORY

YOU HAVE THE RIGHT TO FILE A FORMAL GRIEVANCE. YOU MUST FILE A GRIEVANCE FORM WITH THE DESIGNATED STAFF WITHIN SEVEN (7) DAYS FROM THE DATE YOU RECEIVE THIS RESPONSE. FAILURE TO SUBMIT A GRIEVANCE WITHIN THIS TIME FRAME CONSTITUTES ABANDONMENT.

OFFENDER SIGNATURE

X

DATE

11/3/20

2 of 4

On Sept. 8th, 2020, at 9:30 PM COII Whitehead told 12 or more offenders from 10-house A-wing, to pack our things and report to 7-house. Where these offenders/myself were detained in 7-house C-wing Covid-19 Isolation unit without any explanations whatsoever and, Suffered the following deprivations based on ERDCC'S Covid-19 Isolation Unit Policy Practices that was shocking to the conscious, caused an unnecessary and wanton infliction of emotional distress and 8th Amendment violations as follows:

- 1) Detained myself and alleged Covid-19 positive offenders in 7C for an initial 14 days for retesting and then denied me/us any medical attention and treatment whatsoever, as Nurse Cody told us repetitively, "Your temperature must be 104° before we give you any medical treatment".

A.) I tried to Self-declare for chest pains and hardness of breathing, multiple times and never once did a nurse or medical professional come to assess my condition. (The first 2 mornings they came to check my vitals, because my fiancée called and complained and emailed Warden Stan Payne).

- 2) Subjected to Nurse Cody and Corizon Health Care Providers conducting Contagious Covid-19 testing on 7C offenders without changing gloves per each tested offender. While placing test tubes, Hazard/specimen bags and Swab packets on unsterilized or unsanitized 7C rec. table and food carts.

3 of 4

- 3) Denied 66-72 Covid-19 Unit offenders/myself cleaning supplies to Sanitize living areas, as well as denying/refusing to do Laundry services to wash soiled/infectious clothing, bedding, and towels from Sept. 8th, 2020 to Oct 15th, 2020.
- 4) Placing negative, inconclusive, positive offenders in cells without Sterilizing, disinfecting, or Sanitizing the cells or mattresses
- 5) Placing myself and others in a 8x12 7C Covid-19 Quarantine/Isolation Unit cell with another offender in stark contrast to MODOC-CDC's Covid-19 Containment social distancing protocol.
- 6) Denied me and 7C Covid-19 Isolation Unit offenders U.S. Postal Services in withholding Incoming and outgoing mail. Staff collects and unsecurely deposits on 7C Unit table, desk, filing cabinet for days on end to be tampered with, soiled, lost or destroyed.
A) I put a letter in the door to be mailed on Friday Oct 2nd, 2020 and an offender Porter found it under the ice Chest on Monday Oct. 5th, 2020
- 7) Denied myself/7C Unit offenders access to case managers, who did not service 7C Unit offenders. Denying them IRR's, access to the court, legal copies, and their federally protected right to redress 7C Covid-19 Unit practices and Policy/Procedure.
- 8) CO's capriciously denigrating and withholding food as punishment for exercising our federally Protected right to redress 7C Covid-19 Unit practices.

4 of 4

- 9) Denied myself/7C offenders/ Non-disciplinary R & D Covid-19 Unit Offenders daily recreation, Showers, phone calls, Sanitizing, and bi-weekly Canteen Spends. Unlike other R & D GP. offenders who are same or similarly situated, without disciplinary justification or reasons whatsoever, adversely effecting the ordinary incident of life as a prisoner.
- 10) Feeding 7C offenders/myself deplorable and poorly prepared cold food mixed on a styrofoam tray, while frequently withholding beverages from us under the guise that food service did not provide it. And using Positive Covid-19 7C Unit offenders to handle and serve food.



STATE OF MISSOURI
DEPARTMENT OF CORRECTIONS
OFFENDER GRIEVANCE

GRIEVANCE NUMBER

IRR NUMBER

DATE FILED

RECEIVED
NOV 10 2020

20-2474

INSTITUTION USE ONLY

OFFENDER LAST NAME

FIRST

ERDOC

DOC NUMBER

HOUSING UNIT

UNIT

INSTITUTION

Malloy

Brandon

1243450

1D

A

ERDOC

OFFENDER GRIEVANCE/REQUEST

See attached IRR Log#(20-2474) descriptive contents complaint which constitutes this practice of maltreatment and this particular "Offender Grievance" and all actions requested, in that the pretensions respondent response disclaimer does not negate the asserted deprivations. Also, see emails sent to DOC/ERDOC from my fiancée about all the evidence of the allegations. Nicole Thrig.

SEE IRR LOG # 20-2474

Submitted as this "Offender Grievance"

OFFENDER SIGNATURE

DATE

Brandon Malloy

11-3-2020

SUPERINTENDENT RESPONSE

Mr. Malloy, I am in receipt of your grievance dated November 10, 2020 regarding your allegation that you suffered maltreatment while on COVID isolation status.

Having reviewed your IRR, Grievance, and other pertinent information available to me I found that the response provided at the informal resolution request level adequately addressed your complaint. I could find no evidence, nor have you provided any, to substantiate your allegation. Therefore, I find your complaint resolved.

OFFENDER
ATTACHMENT

SUPERINTENDENT SIGNATURE

DATE

DWO

2-8-21

You have the right to appeal this decision to a division director. You must file an appeal form with the grievance officer within seven (7) days from the day you receive this decision. Failure to submit an appeal within this time frame constitutes abandonment of the grievance.

☐ I ACCEPT THIS DECISION

☐ I APPEAL THIS DECISION

OFFENDER SIGNATURE

DATE



Informal Resolution Request

DATE: 10/20/2020

OFFENDER NAME AND NUMBER: Brandon Malloy #1243450

IRR LOG NUMBER: ERDCC20-2474

HOUSING UNIT: HU 10

CATEGORY: 8B

NATURE OF COMPLAINT: You state in your Informal Resolution Request your complaint to be that while in COVID-19 isolation in HU7C you suffered maltreatment.

FINDINGS: Your complaint has been reviewed and investigated. According to the evidence obtained, the Viral Containment Plan is the main cause of your issue. The plan has been enacted and approved to protect both staff and offenders from the virus, and to reduce any exposure to COVID-19. To achieve this, housing units are sanitized regularly, and offenders that test positive are taken to a separate house and celled at that location. Additionally, the plan has currently been updated with less wings being quarantined. You arrived HU 10 on 10/15/2020, and were provided an IRR on 10/19/2020, which was processed and entered into the grievance system. As for the other allegations, you have provided no evidence to indicate any maltreatment or violation of your rights by staff, medical or otherwise.

RECOMMENDATION: Based on the above findings, your IRR is denied.

Michael L. Parson
Governor



2729 Plaza Drive
P. O. Box 236
Jefferson City, MO 65102
Telephone: 573-751-2389
Fax: 573-751-4099

Anne L. Precythe
Director

State of Missouri
DEPARTMENT OF CORRECTIONS
"Improving Lives for Safer Communities"

Grievance Appeal Response

March 30, 2021

Branden Malloy
Register #1243450
Algoa Correctional Center (ACC)

RE: ERDCC-20-2474
Other
Received on March 18, 2021
Reviewed on March 30, 2021

Your appeal dated March 3, 2021, has been reviewed. The grievance response you received adequately addresses your complaint. In your complaint, you claim you suffered from maltreatment while in isolation due to COVID-19. Staff refute your claim you suffered from maltreatment. The isolation unit is utilized to attempt to stop the spread of COVID-19 and part of the Viral Containment Plan. You have not provided any additional evidence to support your claim. Your appeal is denied. Records indicate you are now at ACC.

A handwritten signature in black ink, appearing to read "Jeff Norman", is written over a horizontal line.

Jeff Norman, Director
Division of Adult Institutions

JN/rc

**OFFENDER
ATTACHMENT**



STATE OF MISSOURI
DEPARTMENT OF CORRECTIONS
OFFENDER GRIEVANCE APPEAL

RECEIVED

MAR 15 2021

GRIEVANCE NUMBER

ERDCC 20-2474

DATE FILED

OFFENDER NAME (LAST NAME, FIRST)

Malloy, Branden

ERDCC
GRIEVANCE OFFICE

DOC NUMBER

1243450

INSTITUTION

ERDCC

REASON FOR APPEAL

I received this Appeal on 3/3/21

All evidence stated in TRR/Grievance has been documented and compiled in a (Covid-19 Malpractice) Law Suit. I have been mistreated, experienced multiple misconduct by staff and medical/Corizon. I witnessed Medical Negligence, pain and suffering, Mental Anguish, and misuse of government funding, etc.

Now that my remedies are in fact exhausted, and ERDCC admitted misconduct in the TRR Response, I will now file suit.

See You In Court.

OFFENDER SIGNATURE

B. Malloy

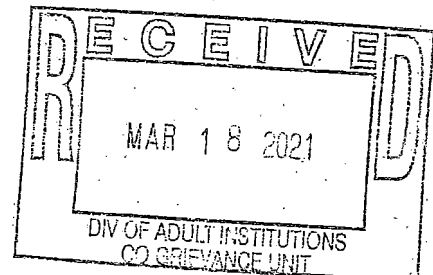
DATE

3-3-21

RESPONSE

RECEIVED

APR 09 2021

ERDCC
GRIEVANCE OFFICE

SIGNATURE

DATE

Finalization of this appeal represents exhaustion of this grievance pursuant to federal law, 28 CFRs 40

OFFENDER SIGNATURE

DATE



MISSOURI ATTORNEY GENERAL
ERIC SCHMITT

December 18, 2020

Mr. Branden J. Malloy #1243450
8501 No More Victims Road
Algoa Correctional Center
Jefferson City, MO 65101-4529

Dear Mr. Malloy,

Thank you for contacting the Attorney General's Office regarding the Department of Correction's COVID-19 practices.

Your concern is one that before this virus took hold in the United States would have seemed unforeseeable. But as we have witnessed, many unique situations have arisen both as a result of the virus itself and as a result from actions taken to curb its effects. These difficult and unprecedented times are impacting all of our state's residents in many different ways, but I am confident in the resilience of Missourians to overcome these challenges.

In regard to your inquiry, the Missouri Attorney General's Office has limited power to address your concern. However, your concerns could more appropriately be addressed by

Department of Corrections
ATTN: Melissa Massman
P.O. Box 236
Jefferson City, MO 65102

Thank you for reaching out to my office, and please stay safe and healthy.

Sincerely,

A handwritten signature in black ink that reads "Eric S. Schmitt".

ERIC S. SCHMITT
Missouri Attorney General

LAW OFFICES OF

NEWMAN BRONSON & WALLIS

MARK I. BRONSON
MISSOURI & ILLINOIS
mbronson@newmanbronson.com

2300 WEST PORT PLAZA DRIVE
ST. LOUIS, MISSOURI 63146-3213
(314) 878-8200
TOLL FREE 1-800-962-4009
FAX (314) 878-7839

February 11, 2021

LEGAL MAIL

Mr. Branden Malloy #1243450 HU3-B-9
Algoa Correctional Center
8501 No More Victims Road
Jefferson City, Missouri 65101

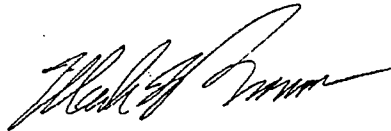
Re: **Potential Claim**

Dear Mr. Malloy:

I am in receipt of your letter dated 2/02/2021. This is not the type of claim which we would handle. Our decision not to represent you in this matter should not be interpreted by you as an opinion upon the merits of any possible claims which may exist. The Statute of Limitations will become a bar to all rights to recovery which may exist if a lawsuit is not timely filed.

Thank you for giving us the opportunity to assist you in this matter.

Yours very truly,



Mark I. Bronson

MIB/kds

For Michelle ACLU

I arrived in MoDoc at the ERDCC facility on Feb. 26th 2020 at the very start of the Covid-19 epidemic. The things I've experienced since the beginning of this is extremely horrifying, and should open up anyone's eyes to the injustice, malpractice, misconduct, and secretive corruption of the MoDoc; Custody Staff, admin, and Corizon medical dept.

So from the beginning I was constantly throwing questions at staff about the ill-practices I was watching on a daily basis; Such as taking incoming transfers from outside facilities thus subjecting me to infection that could be otherwise prevented. One Sgt. that was called in from another prison because ERDCC was so understaffed told me that DOC is getting 1600\$ per positive Covid-test funded by the government, hinting to me that they were purposely infecting offenders to stockpile funds for the coming aftermath. In short committing embezzlement of government funds, by purposely exposing offender population to a dangerous and possible deadly virus. After this Sgt. from Farmington ~~also~~ informed me of this I started watching and listening closely. Some things I saw and heard was;

Constantly moving offenders from one quarantine unit to another without giving reasons, I personally was moved along with my cell-mate from 9-D to 9-C because my toilet was broken so they moved us to the next wing over into a cell that was empty because the offenders that were last in it tested positive and moved to isolation and the cell was not even cleaned out or sanitized yet thus exposing me to Covid-19. Then we started hearing about the conditions of the isolation unit: No showers, No recreation, poor handling of food, No sanitation chemicals, No access to case managers, No medical treatment whatsoever. I eventually experienced all of this first-hand after testing positive ~~on Sept. 9th~~ and getting put in isolation myself, they were housing positive w/negative and positive w/positive or keeping negatives in the Covid unit telling us if you've had it you can't get it again, then denying us medical treatment for symptoms. I personally pressed my emergency/Panic button everyday for chest-pains and difficulties breathing because I felt like I was going to faint at times and not one time did they come check or send medical personnel to assess my situation. I watched Nurses ^(namely Cody) come in everyday and test offenders for Covid with nose swabs without changing gloves the entire time or sanitizing their equipment once. When me and my wife started emailing and writing civil rights groups about all of this, all of a sudden I got a letter saying

they re-reviewed my Sentence Structure and had to cancel my release date of 11/18/20 and extend it to 2/9/22, we can draw conclusions of their reasoning but it is ~~not~~ exactly what it looks like, me and my wife made complaints about their ill-practices with the procedure of DOC's viral Containment and I became a threat to DOC by exposing all their misdeeds so they devised a way to punish me unjustly. I have proof that they made a decision to give me the original release date of 11/18/20 already knowing of everything in my Sentence Structure, the board told me at my hearing they wouldn't make a decision until reviewing all my cases including the most recent one and I have proof that they had all the documents to review and make a decision for my original release date.

(C) Mrs. Cook informed me there was an internal email sent to staff warning them about my active role in exposing DOC for it's wrongful actions against offenders. She said my phone calls, emails, and mail, were being closely monitored and to be careful. Then ERDCC started withholding my personal and legal mail, I believe trying to intercept information pertaining to lawsuits with DOC & Covid-19.

Since I've transferred to ACC, I can see that it wasn't all of Doc that was doing these things. It's ERDCC that's doing corrupt things resulting in exposing offenders to infection purposefully. I quote Nurse Cody "Everyone of you is going to get Covid before you leave".

- Keeping offenders past their outdates because they tested positive or were waiting on results

for a virus outbreak, only preventive caution is to wear masks, everyone's scared to tell medical when they're sick because of the living conditions in isolation. diagnostics isn't equipped for long-term stay especially for minimum and medium security classified offenders. this facility is to classify then transfer to permanent facilities, but their cancelling transfers and it's resulting in infecting offenders ^{who would otherwise be} in permanent facilities.

Isolation

No daily sanitizing rooms/living areas, No daily showers to keep clean and wash off bacteria, No clean laundry or bedding at all, housing positive w/negative and positive w/positive when we're supposed to be in isolation in a cell alone, after testing negative they're leaving some people in cells with positive offenders because they don't have room to put us in other units, medical is not doing rounds to assess people's conditions, they're not giving any medications for symptoms they say. Sweat it out, they're not giving recreation but maybe twice a week if your lucky. ⇒

I press the distress button when I start getting chest pains and it's hard to breathe but no one comes then when they walk around they say, quote C.O. Smith "Your button must be on silent", then I ask to self declare and see a nurse because I'm having chest pains and it's hard to breathe and they say they'll contact medical but no one ever shows up, nurse cody does the swab tests and gives you a nose bleed everytime that's prolly why there's so many inconclusive results,

THESE RESULTS ARE FOR THE DETECTION OF SARS-COV-2 RNA. DETECTED RESULTS ARE INDICATIVE OF THE PRESENCE OF SARS-COV-2 RNA. CLINICAL CORRELATION WITH PATIENT HISTORY AND OTHER DIAGNOSTIC INFORMATION IS NECESSARY TO DETERMINE PATIENT INFECTION STATUS. POSITIVE RESULTS DO NOT RULE OUT BACTERIAL INFECTION OR CO-INFECTION WITH OTHER VIRUSES. NEGATIVE RESULTS DO NOT PRECLUDE SARS-COV-2 INFECTION AND SHOULD NOT BE USED AS THE SOLE BASIS FOR PATIENT MANAGEMENT DECISIONS. NEGATIVE RESULTS MUST BE COMBINED WITH CLINICAL OBSERVATIONS, PATIENT HISTORY AND EPIDEMIOLOGICAL INFORMATION. IMPROPER SPECIMEN COLLECTION CAN RESULT IN POSSIBLE FALSE NEGATIVE RESULTS.

Garcia Laboratory
2900 Springport Road
Jackson, Michigan 49201
Phone# - 517-787-9200
Fax# 517-787-1249

* I was not supposed to get my hands on this document, but the nurse who came into the covid isolation unit dropped it on her way out.

Director: Lorenz P. Kielhorn, MD

Printed: 09/15/2020 09:33

-- End of Report --

Printed By: Tucker, Kimberly

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pg: 1